

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

GARY C. TYLER, et al.
Plaintiffs,

v.

GEORGE O'NEILL, et al.
Defendants.

Civil Action No. 03-3139

MEMORANDUM/ORDER

Plaintiff Gary Tyler moves for the substitution of defendant George O'Neill with the Estate of George O'Neill (the Estate) in the above-captioned action (Docket No. 55). Plaintiff's submissions indicate that Mr. O'Neill passed away on December 26, 2006. Pursuant to Federal Rule of Civil Procedure 25(a), "If a party dies and the claim is not thereby extinguished, the court may order substitution of the proper parties. The motion for substitution may be made by any party" Plaintiff's request is reasonable in light of Mr. O'Neill's passing, and I will grant the motion for substitution.

AND NOW, this 10th day of May 2007, upon consideration of Plaintiff's Motion for Substitution of a Party Pursuant to Rule 25(a), it is hereby ORDERED that the motion is GRANTED. It is further ORDERED that the Estate of George O'Neill is substituted in place of George O'Neill as defendant, and the caption will be amended to so reflect. Finally, it is ORDERED that former defendant George O'Neill's *pro se* motion to dismiss (Docket No. 50) is DENIED as MOOT.

BY THE COURT:

/s/ Louis H. Pollak
Pollak, J.